

30. The confectionery product according to claim 1, wherein the product is present as a center filling of a fat-based chocolate shell.

31. The confectionery product according to claim 1, wherein the product comprises a center filling and a shell, each of which comprises non-cereal vegetable solids and fat.

32. The confectionery product according to claim 1, further comprising a first further shaped component of an aerated mixture of a non-cereal vegetable component, a milk-based component and an optional sugar component, wherein the further shaped component is positioned adjacent the shaped mixture in a first set configuration.

33. The confectionery product according to claim 32, wherein the first set configuration is at least partly covered by a chocolate layer.

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sub B5 > ~~34. The confectionery product according to claim 32, further comprising a second further shaped component comprising a non-cereal vegetable paste, wherein the further shaped component is positioned adjacent the ~~shaped~~ mixture in a second set configuration.~~

35. The confectionery product according to claim 34, wherein the second set configuration is at least partly covered by a chocolate layer.

36. The confectionery product according to claim 1, wherein the shape of the product is in the form of a bar, slab, rocher, cluster or crisp.

37. The confectionery product according to claim 1, wherein the stable shape is placed upon a wafer or biscuit.

38. The confectionery product according to claim 37, wherein wafer or biscuit has the shape of a tube, boat or plane.

sub B6 > ~~39. A confectionery product comprising a mixture of solid fat in an amount of at least 25% by weight and about 30% to about 60% by weight of non-cereal vegetable solids comprising finely ground particles having a size of about 80 microns or less, wherein the~~

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vegetable solids are dispersed in a continuous fat phase of the solid fat which serves as a matrix, at least one cereal-based component in an amount of up to about 40% by weight, and sugar in an amount of up to about 55% by weight, wherein the product has a stable shape and a confectionery texture to the product, with fat imparting a melt-in-the-mouth sensation when the product is placed in the mouth.

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40. The confectionery product according to claim 39, wherein the non-cereal vegetable solids and fat are present in a ratio of between about 1:2 to about 3:1; the non-cereal vegetable solids comprises at least one type of vegetable preparation selected from the group consisting of dried vegetable pieces, dried vegetable powder, vegetable paste or vegetable distillate, vegetable concentrate and mixtures thereof; the fat is selected from the group consisting of cocoa butter, cocoa butter equivalent, cocoa butter replacer, crystallizable vegetable fat, and mixtures thereof; the cereal-based component is selected from the group consisting of corn, oats, wheat, barley, rye, rice, millet malt and mixtures thereof; and the sugar is selected from the group consisting of glucose, lactose, fructose, sucrose, maltose, dextrose, polydextrose, matodextrin, inverted sugar, a product of the enzymatic saccharification of starch and mixtures thereof.

#### REMARKS

Claims 1-14, as amended, and new claims 29-40 are pending in this application for the Examiner's review and consideration. Claim 1 has been amended to more clearly recite that the fat component of the confection forms a matrix for the vegetable solids and provides a confectionery texture to the product. Support for this change is found on page 2 of the specification where it states that the fat based component is homogeneously mixed together with the vegetable component, thereby achieving the distinctive confectionery texture. From this disclosure, one skilled in the art would know that the fat continuous phase is the matrix for the vegetable solids. Accordingly, as no new matter has been added by this amendment, entry of the claim amendment is warranted at this time.

In response to the restriction requirement, Applicants provisionally elected Group I, claims 1-14, drawn to a confectionery product, on August 31, 2001 and now confirm that election. Claims 15-28 have been withdrawn from consideration pursuant to this election. These claims have been cancelled without prejudice to applicants' rights to file a divisional application for these claims.